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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ISIDRO ZURIEL CRUZ-VIZCARRA,

Defendant.

CASE NO. 1:22-CR-00179-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: July 5, 2023
TIME: 1:00 p.m.
COURT: Hon. Sheila K. Oberto

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on July 5, 2023.
2. By this stipulation, defendants now move to continue the status conference until October 18, 2023, at 1:00 P.M. and to exclude time between July 5, 2023, and October 18, 2023, inclusive.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The discovery associated with this case is voluminous and includes tens of thousands of pages, including investigative reports, photographs and videos, as well as hundreds of hours of recorded telephone conversations pursuant to wiretap orders, many cellular phone extractions, and large amounts of cellular telephone precise location data and vehicle tracker data. All this discovery has been either produced directly to counsel and/or made available for

1 inspection and copying.

2 b) The government has sent a plea offer to the defense to resolve the case.

3 c) Between the last status conference date and the current date, defense counsel's
4 family contracted the COVID-19 virus, interrupting his ability to meet with his client. Defense
5 counsel also requests the additional time to review the discovery. Counsel for defendant desires
6 additional time to consult with his client, conduct investigation, review the voluminous
7 discovery, review the plea offer with his client, and prepare for a possible trial.

8 d) Counsel for defendant believes that failure to grant the above-requested
9 continuance would deny him/her the reasonable time necessary for effective preparation, taking
10 into account the exercise of due diligence.

11 e) The government does not object to the continuance.

12 f) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendant in a trial within the
14 original date prescribed by the Speedy Trial Act.

15 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of July 5, 2023 to October 18, 2023,
17 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) and B(ii) because the
18 case is so unusual or so complex, due to the number of defendants, the nature of the prosecution,
19 or the existence of novel questions of fact or law, that it is unreasonable to expect adequate
20 preparation for pretrial proceedings or for the trial itself within the time limits established by this
21 section. This stipulation also results from a continuance granted by the Court at defendant's
22 request on the basis of the Court's finding that the ends of justice served by taking such action
23 outweigh the best interest of the public and the defendant in a speedy trial.

24 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
25 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
26 must commence.

27 IT IS SO STIPULATED.
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1 Dated: June 20, 2023

2 PHILLIP A. TALBERT
3 United States Attorney

4 /s/ Justin J. Gilio
5 JUSTIN J. GILIO
6 Assistant United States Attorney

7 Dated: June 20, 2023

8 /s/ Brian Andritch
9 Brian Andritch
10 Counsel for Defendant
11 Isidro Zuriel Cruz-Vizcarra

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15 **ORDER**

16 IT IS SO ORDERED.

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19 DATED: 6/21/2023

20 Sheila K. Oberto
21 THE HONORABLE SHEILA K. OBERO
22 UNITED STATES MAGISTRATE JUDGE
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